

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KIMBLY ARNOLD, *et al.*,
Plaintiffs,

v.

LION'S CLUB INTERNATIONAL
ASSOCIATION, *et al.*,
Defendants.

Case No. 2:24-cv-3168-TLN-JDP (PS)

ORDER

Plaintiffs, proceeding without counsel, have brought this action against Lion's Club International and several of its employees and officers. Plaintiffs have commenced another action in this district against the same defendants over the same dispute. These actions appear to be duplicative. *See Arnold v. Lions Club International Association*, No. 2:24-cv-2095-DAD-AC. "Plaintiffs generally have 'no right to maintain two separate actions involving the same subject matter at the same time in the same court and against the same defendant.'" *Adams v. Cal. Dep't of Health Servs.*, 487 F.3d 684, 688 (9th Cir. 2007), *overruled on other grounds by Taylor v. Sturgell*, 553 U.S. 880, 904 (2008) (quoting *Walton v. Eaton Corp.*, 563 F.2d 66, 70 (3d Cir. 1977) (en banc)). "[I]n assessing whether the second action is duplicative of the first, we examine whether the causes of action and relief sought, as well as the parties or privies to the action, are the same." *Id.* at 689. In light of plaintiffs' pro se status, the court will allow plaintiffs

1 the opportunity to file either a notice of voluntary dismissal (as duplicative) or to explain why
2 these actions are not duplicative. If this action is duplicative, plaintiffs should proceed on the
3 action they initially commenced.¹

4 In addition to filing a complaint, plaintiff Arnold has filed an application to proceed *in*
5 *forma pauperis*. ECF No. 2. Plaintiff Dunham, however, has neither submitted an application to
6 proceed *in forma pauperis* nor paid the required filing fee. In order to participate in this
7 litigation, Dunham must either file an application to proceed *in forma pauperis* or pay the
8 required filing fee. Should he not, he will be dismissed.

9 Accordingly, it is hereby ORDERED that:

10 1. Plaintiff Arnold's application to proceed *in forma pauperis*, ECF No. 2, is GRANTED.

11 2. Within fourteen days of this order's issuance, plaintiff Dunham must either file an
12 application to proceed *in forma pauperis* or pay the required filing fee. Failure to do so will result
13 in his dismissal from this action.

14 3. Within fourteen days of this order's issuance, plaintiffs must either file a voluntary
15 notice of dismissal or explain why this litigation is not duplicative of *Arnold v. Lions Club*
16 *International Association*, No. 2:24-cv-2095-DAD-AC. Should plaintiffs fail to respond, the
17 court will recommend that this action be dismissed.

18
19 IT IS SO ORDERED.

20 Dated: April 3, 2025

21 
22 JEREMY D. PETERSON
23 UNITED STATES MAGISTRATE JUDGE
24

25 ¹ "Federal comity and judicial economy give rise to rules which allow a district court to
26 transfer, stay, or dismiss an action when a similar complaint has already been filed in another
27 federal court." *Barapind v. Reno*, 72 F. Supp. 2d 1132, 1145 (citation omitted). "[I]ncreasing
28 calendar congestion in the federal courts makes it imperative to avoid concurrent litigation in
more than one forum whenever consistent with the right of the parties." *Crawford v. Bell*, 599
F.2d 890, 893 (9th Cir. 1979).

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